



# UNITED STATES PATENT AND TRADEMARK OFFICE

*mn*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,640	09/12/2003	Kotaro Yamaguchi	00862.023229.	7108
5514 7590 07/12/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER TURNER, ASHLEY D	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/660,640	Applicant(s) YAMAGUCHI ET AL.	
	Examiner Ashley D. Turner	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1-8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/660,640.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-16-2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2-8 and 10 are objected to because of the following informalities:

In claim 2 line 1 " A server apparatus according to claim 1" should be replaced by ---The server apparatus according to claim 1—in order to improve the clarity of the claim language.

Similar corrections should be made to claims 3-8 line 1 and claim 10 line 1.

In claim 7 line 2 "any of communications terminals" should be replaced by ----any of the communication terminals--- in order to improve the clarity of the claim language.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2154

3. Claims 1,4,5,6,7,9,10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Britton et al hereinafter Britton (US 6,591,289 B1).

Referring to claim 1, A server apparatus capable of communicating with communications terminals via a network (Col.3 lines 58-61), comprising: receiving means for receiving a request from any of the communications terminals 9 (Col. 3 lines; processing means for performing a predetermined process based on the received request (Col. 3 lines 66-67) and (Col. 4 lines 1-2); first sending means for sending results of the performed predetermined process to the requesting communications terminal as a first response ( Col. 4 lines 2-8); and second sending means for sending a second response containing an address needed to acquire the first response to the requesting communications terminal before sending the first response( Col. 8 lines 8-13).

Referring to claim 4, Britton discloses all the limitations of claim 4 which are described above. Britton also discloses " wherein said first sending means sends the first response by e-mail " (Col. 4 lines 2-4).

Referring to claim 5 Britton discloses all the limitations of claim 5 which are described above. Britton also discloses "wherein said communications terminal is equipped with a Web browser and the second response is provided as Web page data, which can be analyzed by the Web browser" (Col. 8 lines 8-13) and (Col.8 lines 19-25).

Referring to claim 6 Britton discloses all the limitations of claim 6 which are described above. Britton also discloses, "wherein the request from said communications terminal is a print request of printing image data and the predetermined process is the process of creating print data based on the image data" (Col. 8 lines 15-25).

Referring to claim 7 Britton discloses all the limitations of claim 7 which are described above. Britton also discloses, "wherein the request from any of communications terminals is a request for a service provided by the server apparatus and the predetermined process is a process of commissioning an external device to settle a cost of the service" (Col. 1 lines 47-53).


Referring to claim 9 Britton discloses "a communications method for communicating with communications terminals via a network, comprising the steps of; receiving a request from any of the communications terminals (Col. 3 lines 58-65); performing a predetermined process based on the received request; sending the requesting communications terminal a second response containing an address needed to acquire a first response which includes results of the performed predetermined process (Col. 4 lines 2-8); and sending the first response to the requesting communications terminal after the second response is transmitted ( Col. 8 lines 8-13).

Referring to claim 10, Britton discloses all the limitations of claim 10 which are described above. Britton also discloses "a computer-readable storage medium containing a program for causing a computer execute the method according to claim 9" (Col.6 lines 30-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

 <sup>and is over</sup>  
5. Claim 2 ~~is~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Britton (US 6,591,289 B1)) in view of Patil (US 7,020,797 B2).

Referring to claim 2, Britton discloses all the limitations of claim 2 which is described above. Britton did not disclose "time measuring means for measuring an execution time of the predetermined process; judging means for judging whether the predetermined process is complete; and control means for stopping said second sending means from sending the second response when said judging means judges that the predetermined process is complete before the measured execution time exceeds a predetermined period of time." The general concept of having "time measuring means for measuring an execution time of the predetermined process; judging means for judging whether the

Art Unit: 2154

predetermined process is complete; and control means for stopping said second sending means from sending the second response when said judging means judges that the predetermined process is complete before the measured execution time exceeds a predetermined period of time" is well known in the art as taught by Patil. Patil discloses "time measuring means for measuring an execution time of the predetermined process (Col 8. lines 53-57); judging means for judging whether the predetermined process is complete (Col.8 lines 56-61); and control means for stopping said second sending means from sending the second response when said judging means judges that the predetermined process is complete before the measured execution time exceeds a predetermined period of time (Col.8 lines 61-64)."It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Britton to include time measuring means for measuring an execution time of the predetermined process; judging means for judging whether the predetermined process is complete; and control means for stopping said second sending means from sending the second response when said judging means judges that the predetermined process is complete before the measured execution time exceeds a predetermined period of time" in order to manage and test the software applications.

Referring to claim 8, Britton discloses all the limitations of claim 2 which is described above. Britton did not disclose, "management means for managing status of the predetermined process, wherein content of the second response varies depending on the managed status" The general concept of having "management means for managing

status of the predetermined process, wherein content of the second response varies depending on the managed status" is well known in the art taught by Patil. Patil discloses "management means for managing status of the predetermined process, wherein content of the second response varies depending on the managed status"(Col. 8 lines 41-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Britton to include "management means for managing status of the predetermined process, wherein content of the second response varies depending on the managed status" in order to manage and test the software applications.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britton (US 6,591,289 B1)) in view of Sugimoto et al (U.S.6, 697,902 B1).

Referring to claim 3, Britton discloses all the limitations of claim 3 which is disclosed above. Britton did not disclose "data volume measuring means for measuring a volume of data handled by the predetermined process; judging whether the measured data volume exceeds a predetermined value; and control means for stopping said second sending means judges that the measured data volume does not exceed the predetermined value." The general concept of having "data volume measuring means for measuring a volume of data handled by the predetermined process; judging whether the measured data volume exceeds a predetermined value; and control means for stopping said second sending means judges that the measured data volume does not exceed the predetermined value" is well known in the art taught by Sugimoto. Sugimoto



discloses "data volume measuring means for measuring a volume of data handled by the predetermined process; judging whether the measured data volume exceeds a predetermined value; and control means for stopping said second sending means judges that the measured data volume does not exceed the predetermined value (Col.10 lines 13-20)." It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Britton in order to maintain data for a predetermine time and not to eliminate the data immediately after writing of the data.

### ***Conclusion***

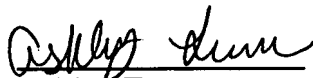
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashley d. Turner whose telephone number is 571-270-1603. The examiner can normally be reached on Monday thru Friday 7:30a.m. - 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2603.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner:

  
Ashley TurnerDate: 7/4/2007

Supervisory Patent Examiner

  
NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER

Date: \_\_\_\_\_